

STATEMENT OF PURPOSE

RS19402

This legislation amends Idaho Code 19-4902 by deleting the one-year time limitation for filing a post-conviction petition for fingerprint or DNA testing; by adding language to provide the right to petition for testing to those inmates who made either pleas or confessions that may have been involuntary. This bill adds language to provide for DNA testing at an accredited DNA testing laboratory at the petitioner's expense.

The purpose of this legislation is to allow for post-conviction DNA testing in appropriate cases at any time. Over the past 20 years, DNA testing has resulted in the post-conviction exoneration of more than 240 individuals in the United States. In 105 of these cases the true perpetrator was identified through the DNA evidence.

DNA technology continues to advance and improve. Since 2001, there have been at least ten major advances in forensic DNA technology. DNA has proven to be an integral and valuable tool for criminal justice in finding and convicting the perpetrator of the crime. A criminal defendant convicted prior to the development of new DNA testing or whose DNA testing was inconclusive, will now be able to utilize new DNA testing to prove actual innocence

FISCAL NOTE

There is no fiscal impact if the DNA test is conducted in a private accredited DNA lab or if the petitioner is able to pay for the expense when the DNA test is performed by the Idaho state police forensic services. Idaho Code 19-5506 subsection (g) states: "The court may order such person to pay restitution for DNA analysis in an amount not to exceed \$500 per DNA sample analysis" The petitioner bears the expense except to the extent the petitioner qualifies for the test at public expense pursuant to chapter 8, title 19, Idaho Code. Based on estimates of 0 to 2 petitions per year, the fiscal impact would be \$0 to \$1000 per year. However, if this testing overturns a conviction, the state of Idaho will save \$20,000 plus per year for each person freed from prison.

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